

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Stephen C. Smith**

**Docket No. 5:11-MJ-1951-1**

**Petition for Action on Probation**

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Stephen C. Smith, who, upon an earlier plea of guilty to Driving While Impaired (Level 5), in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on September 12, 2012, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant was diagnosed with Multiple Sclerosis in 2001, and undergoes treatment through the VA Medical Center. He also takes multiple medications for this chronic illness. According to the VA Medical Center, the defendant would have an extremely difficult time performing any type of community service given his medical condition. Based upon this information, it is respectfully recommended that the condition requiring the defendant to perform 24 hours of community service be stricken.

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**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows: That the condition requiring the defendant perform 24 hours of community service be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Debbie W. Starling  
Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: October 29, 2012

#### **ORDER OF COURT**

Considered and ordered this 29th day of October, 2012, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
United States Magistrate Judge